

1
2
3
4
5
IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
6 IN AND FOR THE COUNTY OF KING

7 CRAIG SHERLAND, Administrator of the
8 ESTATE OF NAOMI RUTH SHERLAND,
9 deceased, and on behalf of CRAIG
SHERLAND and KIM GONZALEZ,
beneficiaries,

10 Plaintiffs,

11 v.

12 HALLMARK MANOR MEDICAL
13 INVESTORS, LLC, a Foreign Limited
14 Liability Company, CONSOLIDATED
15 RESOURCES HEALTH CARE FUND I, a
Foreign Limited Partnership, all d/b/a
HALLMARK MANOR, and JOHN/JANE
DOES 1-10, individuals,

16 Defendants.

17 NO.

18 COMPLAINT FOR PERSONAL
INJURIES, WRONGFUL DEATH,
NEGLECT AND ABUSE OF A
VULNERABLE ADULT, AND
DAMAGES

19 COMES NOW Plaintiff, CRAIG SHERLAND, as Administrator of the Estate of Naomi
20 Ruth Sherland, and on behalf of Craig Sherland and Kim Gonzales, beneficiaries, by and through
21 his attorney of record, Jonathan Winemiller of Walther, Thompson, Kindred, Costello,
22 Winemiller & Cook, P.S., and for cause of action against the Defendants, states and alleges as
follows:

23 **I. JURISDICTION AND VENUE**

24 1.1 This Court has original jurisdiction over the subject matter herein and the parties
25 hereto pursuant to the Constitution of the State of Washington, Art. 4, Section 6, as all acts

1 material hereto occurred in King County, Washington.

2 1.2 Venue is proper in King County Superior Court pursuant to RCW Chapter 4.12.

3 **II. PARTIES**

4 2.1 Decedent Naomi Ruth Sherland was born on November 15, 1933, and died on
5 September 26, 2020, in King County, Washington.

6 2.2 Decedent Naomi Ruth Sherland is survived by her two living adult children, Craig
7 Sherland and Kim Gonzalez.

8 2.3 Plaintiff Craig Sherland was appointed as the Administrator of the Estate of
9 Naomi Ruth Sherland on February 11, 2022.

10 2.4 Plaintiff Craig Sherland, as Administrator of the Estate of Naomi Ruth Sherland,
11 maintains this action on behalf of the wrongful death beneficiaries of this matter, decedent
12 Naomi Ruth Sherland's living adult children, Craig Sherland and Kim Gonzales, and on behalf
13 of the Estate of Naomi Ruth Sherland, pursuant to RCW 4.20.010, RCW 4.20.020, RCW
14 4.20.046, and RCW 4.20.060.

15 2.5 At all times material hereto, Defendant Hallmark Manor Medical Investors, LLC,
16 and Defendant Consolidated Resources Health Care Fund I, (collectively, "Hallmark Manor")
17 were doing business in King County, Washington at 32300 1st Avenue South, Federal Way,
18 Washington 98003.

19 2.6 Defendant Hallmark Manor is the employer and/or principal of all employees and
20 health care providers providing, or failing to provide, services at Hallmark Manor to decedent
21 Naomi Ruth Sherland.

22 2.7 Upon information and belief Defendants John/Jane Does 1-10 are health care
23 providers, persons, or entities, employed by Hallmark Manor or working with the permission of
24

1 Hallmark Manor, whose negligence or other tortious conduct contributed to decedent Naomi
2 Ruth Sherland's injuries, wrongful death, and damages associated therewith, but whose identities
3 are not currently known to plaintiffs. Plaintiffs refer to said providers, persons or entities herein
4 as John/Jane Does.

5

III. FACTS

6

7 3.1 Decedent Naomi Ruth Sherland was born on November 15, 1933, and died on
8 September 26, 2020, in King County, Washington.

9

10 3.2 Decedent Naomi Ruth Sherland was unmarried at the time of her death on
September 26, 2020.

11

12 3.3 Decedent Naomi Ruth Sherland is survived by wrongful death beneficiaries, her
living adult children Craig Sherland and Kim Gonzales.

13

14 3.4 From February 2019 until the time of her death, decedent Naomi Ruth Sherland
15 was a resident of Hallmark Manor, a skilled nursing and rehabilitation facility, located at 32300
16 1st Avenue South, Federal Way, Washington 98003.

17

18 3.5 Due to decedent Naomi Ruth Sherland's physical health condition, Defendant
Hallmark Manor noted that she required the assistance of two persons for bed turning,
19 repositioning, and other movements.

20

21 3.6 On or about September 22, 2020, at approximately 4:30 a.m., Jane/John Doe 1
22 attempted to change decedent Naomi Ruth Sherland's bed without the assistance of any other
23 employee, health care provider, staff member, or any other person.

24

25 3.7 Upon information and belief, Jane/John Does 1-10 knew or reasonably should
have known that Naomi Ruth Sherland required the assistance of more than one person for bed
26 turning, repositioning, transfers, dressing, and toileting,

1 3.8 At the same time and place, Jane/John Doe 1, turned decedent Naomi Ruth
2 Sherland, on her bed, away from his or her person.

3 3.9 At the same time and place, Jane/John Doe 1 caused decedent Naomi Ruth
4 Sherland to roll away from Jane/John Doe 1 off the bed and onto the floor.

5 3.10 As a direct and proximate result of Jane/John Doe 1's actions, decedent Naomi
6 Ruth Sherland suffered significant personal injuries which ultimately resulted in her death.

8 3.11 Upon information and belief, Jane/John Does 1-10 knew or reasonably should
9 have known that Naomi Ruth Sherland required immediate medical attention.

10 3.12 After decedent Naomi Ruth Sherland fell to the floor, Jane/John Does 1-10 did
11 not call for medical aid or support from an ambulance or transport Naomi Ruth Sherland to the
12 hospital.

14 3.13 On or about September 22, 2020, at approximately 10:30 a.m., decedent Naomi
15 Ruth Sherland began to seize and vomit for approximately five minutes.

16 3.14 Hallmark Manor staff and Jane/John Does 1-10 did not call for medical aid or
17 support until on or about September 22, 2020, at approximately 12:00 p.m.

18 3.15 As a direct and proximate result of Defendant Hallmark Manor's failure to ensure
19 the proper execution of health care services consistent with identified requirements of two
20 persons for bed turning, repositioning, transfers, dressing, and toileting, decedent Naomi Ruth
21 Sherland suffered significant personal injuries which ultimately resulted in her death.

23 3.16 As a direct and proximate result of Defendant Hallmark Manor's failure to
24 adequately train and supervise Jane/John Does 1-10, decedent Naomi Ruth Sherland suffered
25 significant personal injuries which ultimately resulted in her death.

26 3.17 As a direct and proximate result of Defendant Hallmark Manor and Jane/John

1 Does 1-10's failure to promptly call for necessary and proper medical aid, support, and treatment,
2 decedent Naomi Ruth Sherland suffered personal injuries which ultimately resulted in her death.
3

4 **IV. CAUSE OF ACTION AGAINST DEFENDANT: NEGLIGENCE**

5 4.1 Defendants negligently failed to discharge its obligations of care to decedent
6 Naomi Ruth Sherland. As a consequence thereof, decedent Naomi Ruth Sherland suffered
7 injuries, pain, suffering, mental anguish, and death.

8 4.2 A reasonably prudent skilled nursing and rehabilitation facility, operating under
9 the same or similar conditions, would not have failed to provide the important care needed by
10 decedent Naomi Ruth Sherland.

11 4.3 A reasonably prudent healthcare worker, operating under the same or similar
12 conditions, would not have failed to provide the important care needed by decedent Naomi Ruth
13 Sherland.

14 4.4 As a direct and proximate result of the negligence of Defendants, decedent Naomi
15 Ruth Sherland sustained suffering and injury, which culminated in her hospitalization on
16 September 22, 2020, and death on September 26, 2020.

17 4.5 Because of the injuries and damages which survive to the Estate pursuant to RCW
18 4.20.046 and 4.20.060, the Estate of Naomi Ruth Sherland has sustained economic and non-
19 economic losses due to her pain, suffering, anxiety, emotional distress, humiliation, and fear
20 resulting in damages in an amount to be determined at trial.

21 4.6 As a further direct and proximate result of the negligence of Defendants, decedent
22 Naomi Ruth Sherland was caused to suffer a shortened life, permanent injury and disability and
23 died on September 26, 2020. By reason of the matters alleged in this paragraph, the Estate of
24 Naomi Ruth Sherland has suffered damages in an amount to be determined in trial.

1 **V. VIOLATION OF THE ABUSE OF VULNERABLE ADULTS ACT**

2 5.1 At all times material here, decedent Naomi Ruth Sherland was a "vulnerable
3 adult" while she was a resident at Hallmark Manor as defined by RCW 74.34.020(21).

4 5.2 At all times material hereto, Defendants Hallmark Manor operated a skilled
5 nursing and rehabilitation facility in Federal Way, Washington, known as Hallmark Manor,
6 which is a "facility" as that term is used in RCW 74.34.020(6).

7 5.3 At all times material hereto, Defendants Hallmark Manor were also "health care
8 providers" within the meaning of RCW Chapter 7.70.

9 5.4 Defendants' care of decedent Naomi Ruth Sherland constituted abuse, neglect,
10 exploitation and/or abandonment, as set forth in RCW 74.34 et seq.

11 5.5 As a direct and proximate cause of the conduct set forth above, decedent Naomi
12 Ruth Sherland suffered injuries, pain and suffering, and loss of her life. By reason of the matters
13 alleged herein, the Estate of Naomi Ruth Sherland has suffered damages in an amount to be
14 proven at trial, including attorney fees and costs of suit, pursuant to RCW 74.34.200(3).

15 **VI. WRONGFUL DEATH**

16 6.1 Craig Sherland and Kim Gonzalez, as living children of decedent Naomi Ruth
17 Sherland, are wrongful death beneficiaries under RCW 4.20.020.

18 6.2 Craig Sherland and Kim Gonzalez looked to decedent Naomi Ruth Sherland for
19 continuation of the love, affection and companionship that children have a right to expect from
20 a parent.

21 6.3 Craig Sherland and Kim Gonzalez suffered economic damages as a result of the
22 wrongful death of their mother, decedent Naomi Ruth Sherland, and they have been deprived
23 of the love, affection and companionship that children have a right to expect from
24 a parent.

of said relationship, as well as the love, care, affection, companionship, and guidance flowing from that relationship.

6.2 The loss and damage to Craig Sherland and Kim Gonzales, as set forth above, are a direct and proximate result of the negligence of the Defendants.

VII. DAMAGES

7.1 As a direct and proximate cause of the Defendants' negligence, as alleged herein, decedent Naomi Ruth Sherland sustained serious personal injuries which resulted in her death, all in amounts to be proven at trial.

7.2 As a further direct and proximate result of the Defendants' negligence, as alleged herein, decedent Naomi Ruth Sherland incurred health care and funeral expenses, lost net accumulations to her estate, and other out-of-pocket expenses, all in amounts to be proven at trial.

7.3 As a further direct and proximate result of Defendants' negligence, as alleged herein, the beneficiaries of decedent Naomi Ruth Sherland have suffered economic and noneconomic damages, including the loss of love, care, companionship, and guidance, all in amounts to be proven at the time of trial.

V. PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against the Defendants as follows:

1. For all general, non-economic damages suffered by Plaintiff and the beneficiaries;

2. For all special, economic damages sustained by Plaintiff and the beneficiaries;

3. For prejudgment interest on all liquidated sums;

4. For all costs of suit and disbursements incurred herein, including attorneys' fees; and,
5. For such other and further relief as the Court deems just and equitable.

DATED this 16th day of December, 2022.

WALTHEW, THOMPSON, KINDRED,
COSTELLO, WINEMILLER & COOK, P.S.

Jonathan K. Winemiller, WSBA# 27097
Of WALTHEW, THOMPSON, KINDRED,
COSTELLO, WINEMILLER & COOK, P.S.
Attorneys for Plaintiff
PO Box 34645, Seattle, WA 98124-1645
Telephone: 206-623-5311
Fax: 206-623-6131
Email: jwinemiller@walthew.com